

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

FRED BECK; ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:03CV60-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

CONSOLIDATED WITH

HOPE ELLIS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV160-P-D

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;
ET AL.,**

DEFENDANTS.

ORDER

This matter comes before the court upon Plaintiff's [Kenesha Barnes for the Estate of Sherrie Barnes] Motion to Exclude Testimony of Paul Anderson, Michael Corn, Ronald Frehner, Walt Shields, and Marilyn Hoyt Based upon Fraud, Collusion, and Improper Manipulation of the Evidence [450-1]. Upon due consideration of the motion and the responses filed thereto, the court finds as follows, to-wit:

Even taking into account the notes of Chuck Ahrens purportedly taken during the March 31, 2005 conference call among five of the defendants' experts (Anderson, Corn, Frehner, Shields, and Hoyt), the plaintiff has provided insufficient evidence and legal authority to establish that these five defense experts have perpetrated fraud upon this court or have improperly manipulated the evidence in this case. With further regard to the Ahren notes, the deposition testimony attached evinces

plaintiff counsel's attempt to have the deponents speculate on the precise meaning and context of notes not written or adopted by them. The only person who could explain the notes would be the man who wrote them, Mr. Ahren. No testimony of Mr. Ahren was attached to the instant motion.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's [Kenesha Barnes for the Estate of Sherrie Barnes] Motion to Exclude Testimony of Paul Anderson, Michael Corn, Ronald Frehner, Walt Shields, and Marilyn Hoyt Based upon Fraud, Collusion, and Improper Manipulation of the Evidence [450-1] is **DENIED**.

SO ORDERED this the 23rd day of January, A.D., 2006.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE